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Security Council

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Working Group on Children and Armed Conflict

Conclusions on the situation of children and armed conflict in Colombia

1. At its 61st meeting, on 9 January 2017, the Working Group on Children and Armed Conflict examined the third report of the Secretary-General on children and armed conflict in Colombia (S/2016/837), covering the period from September 2011 to June 2016, which was introduced by the Special Representative of the Secretary-General for Children and Armed Conflict. The Permanent Representative of Colombia to the United Nations also addressed the Working Group.

2. The members of the Working Group welcomed the report of the Secretary-General, submitted in accordance with Security Council resolutions 1612 (2005), 1882 (2009), 1998 (2011), 2068 (2012), 2143 (2014) and 2225 (2015), and took note of the analysis and recommendations contained therein.

3. The members of the Working Group welcomed the progress made and steps taken by the Government of Colombia to address violations and abuses committed against children in the context of armed conflict in Colombia, contributing to an overall decrease in conflict intensity, including the dialogue with armed groups and legislative developments to advance the protection of children affected by armed conflict. The members of the Working Group encouraged the Government to continue its efforts to improve the protection of children in the context of armed conflict, in particular the prevention of the recruitment and use or the rerecruitment and use of children by armed groups, in violation of international law, the reintegration of children separated from all armed groups and the investigation and prosecution of violations and abuses committed against children. The members of the Working Group noted with appreciation that the peace agreement sets as guiding principles the best interest of the child, the treatment of separated children as victims and the focus on family and community-based reintegration, and looked forward to its full implementation so that it could serve as a model for the protection of children in other peace processes.

4. Further to the meeting, and subject to and consistent with applicable international law and relevant Security Council resolutions, including resolutions 1612 (2005), 1882 (2009), 1998 (2011), 2068 (2012), 2143 (2014) and 2225 (2015), the Working Group agreed to the direct action set out below.

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Public statement by the Chair of the Working Group

5. The Working Group agreed to address a message, through a public statement by its Chair, to the following:

All parties to the armed conflict in Colombia

(a) Commending the historic peace process in Colombia that culminated in the signing of the final peace agreement between the Government and the Revolutionary Armed Forces of Colombia — People's Army (FARC-EP) in Bogota on 24 November 2016, and welcoming in particular the provisions on the reintegration of children and mainstreaming the protection of children throughout the agreement, and encouraging their swift implementation;

(b) Noting with appreciation that the peace agreement sets as guiding principles the best interest of the child, the treatment of children separated from armed groups as victims and the focus on family and community-based reintegration, and looking forward to its full implementation so that it could serve as a model for the protection of children in other peace processes;

(c) Welcoming efforts by the Government to develop and implement negotiated solutions to armed conflict with other armed groups, and stressing the importance of giving due consideration to child protection issues in the early stages of peace talks;

(d) Also welcoming the overall decrease in reported violations and abuses committed against children during the reporting period, and noting the direct link made in the report of the Secretary-General between the peace process and the significant improvement in the situation for children affected by armed conflict;

(e) Recalling the previous conclusions of the Working Group on children and armed conflict in Colombia (S/AC.51/2010/3 and S/AC.51/2012/4);

Government of Colombia

(f) Commending the Government's strong commitment to engaging and finding political solutions to the conflict with both FARC-EP and the National Liberation Army (ELN), and encouraging investment in all peace initiatives to protect and reintegrate children separated from the armed groups;

(g) Welcoming the signing of an agreement between the Government and FARC-EP for the separation and reintegration of all children associated with FARC-EP, and urging the Government to continue to ensure that children are promptly and formally separated and reintegrated through a clear process for identification, taking into account the specific needs of boys and girls, in accordance with the guiding principles outlined in the agreement;

(h) Also welcoming the announcement of the road map for peace talks with ELN, and urging the Government to consider the issue of children affected by armed conflict in the early stages of the peace process and to address the protection of children, including as a confidence-building measure;

(i) Further welcoming the humanitarian demining agreement signed between the Government and FARC-EP on 7 March 2015, and calling upon the Government to intensify its demining efforts in collaboration with FARC-EP;

Revolutionary Armed Forces of Colombia -- People's Army

(j) Strongly condemning all violations and abuses committed by FARC-EP against children;

(k) Taking note with appreciation of the significant steps taken by FARC-EP to address the issue of children affected by armed conflict in the context of the peace process, in particular the signing on 15 May 2016 of an agreement on the separation of children under 15 years of age and the development of a road map for the separation of all children and on a comprehensive reintegration programme for these children;

(l) Calling upon FARC-EP to continue to take active steps to fully comply with its commitments, including by ensuring that children are formally separated and reintegrated in accordance with the guiding principles outlined in the agreement, noting that only 13 children have been released to date;

(m) Welcoming the humanitarian demining agreement signed between the Government and FARC-EP on 7 March 2015, and calling upon FARC-EP to intensify its demining efforts in collaboration with the Government;

National Liberation Army

(n) Strongly condemning all violations and abuses committed against children by ELN;

(o) Requesting ELN to immediately and without preconditions release all children from its ranks in coordination, wherever possible, with child protection actors and to publicly express its commitment to ending and preventing the recruitment and use of children in violation of international law and all other violations and abuses committed against them, and to take active steps in that regard;

(p) Welcoming the announcement of the road map for peace talks with the Government, and urging ELN to engage with the Government to consider the issue of children affected by armed conflict in the early stages of the peace process and to address the protection of children as a confidence-building measure;

Post-demobilization groups

(q) Strongly condemning all violations and abuses committed against children by post-demobilization groups;

(r) Requesting them to immediately and without pre-conditions release all children from their ranks in coordination, wherever possible, with child protection actors, and urging them to publicly express their commitment to ending and preventing all violations and abuses committed against children, and to take active steps in that regard.

Recommendations to the Security Council

6. The Working Group agreed to recommend that the President of the Security Council transmit a letter by the Chair of the Working Group addressed to the Government of Colombia:

(a) Commending the Government's strong commitment to engaging and finding political solutions to the conflict with both FARC-EP and ELN, and encouraging investment in all peace initiatives to protect, separate and reintegrate children associated with armed groups;

(b) Welcoming the signing of an agreement between the Government and FARC-EP for the separation and reintegration of all children associated with FARC-EP, and urging the Government to continue to ensure that children are formally separated and reintegrated, taking into account the specific needs of boys and girls, in accordance with the guiding principles outlined in the agreement;

(c) Noting with appreciation the proactive role of the Presidential Office for Human Rights and the Office of the Ombudsman in leading the efforts to implement the separation and reintegration process of children associated with FARC-EP;

(d) Welcoming the announcement of the road map for peace talks with ELN, and urging the Government to consider the issue of children affected by armed conflict in the early stages of the peace process and to address the protection of children as a confidence-building measure;

(e) Commending the progress made by the Government in preventing and responding to the recruitment and use of children in violation of applicable international law, and urging it to take into account the findings of the evaluation of the framework document on the prevention of recruitment and use of children by illegal armed groups to address gaps and challenges in terms of coordination, budget and lack of measurable and sustainable impact at local levels;

(f) Stressing the important role played by the early warning system of the Office of the Ombudsman in preventing the recruitment and use of children in violation of international law, and inviting the Government to ensure a coordinated institutional response to these alerts;

(g) Welcoming activities undertaken by the Government to respond to the reintegration and protection needs of children separated from armed groups, including through family reunification, taking into account the specific needs of boys and girls, as well as of children with disabilities and other particularly vulnerable children, among them, orphans and unaccompanied children, care services, education and support for receiving communities, and encouraging the Government to further strengthen those efforts to, among other things, prevent those children from being rerecruited by armed groups or other criminal organizations;

(h) Noting that children living in remote areas and in Afro-Colombian and indigenous communities were the most affected by the armed conflict, and stressing that specific attention should be given to them, including in areas not initially prioritized;

(i) Noting efforts undertaken by the Government to fight impunity, underlining the importance of bringing to justice perpetrators of violations and abuses committed against children affected by armed conflict, and urging the Government to further enhance its efforts in this regard;

(j) Stressing that priority should be given to the special protection needs of children as victims, but also as witnesses and as perpetrators when associated with armed groups, through restorative justice processes and social rehabilitation, in accordance with their best interest;

(k) Welcoming judgment 069 of the Constitutional Court of Colombia of February 2016 to ensure that all child victims of recruitment can be included in the victims' register and receive reparations regardless of the armed group with which they were formerly associated and encouraging its continued implementation;

(l) Noting with appreciation the progress made in the Government's response to sexual violence against children, and urging it to continue to ensure that its military complies with the zero-tolerance policy on sexual violence and that

anyone found responsible for such violations is investigated, prosecuted and held to account;

(m) Calling upon the Government to ensure strict compliance by its armed forces with the Colombian legislation prohibiting the use of children in military and intelligence activities, psychological operations, civil-military campaigns and similar activities;

(n) Welcoming the humanitarian demining agreement signed between the Government and FARC-EP on 7 March 2015, and calling upon the Government to intensify its demining efforts in collaboration with FARC-EP;

(o) Recognizing the scale of displacement and its impact on children, and encouraging the Government to ensure voluntary, safe and dignified return and to guarantee the rights of internally displaced persons and refugees and their access to protection services and to an effective remedy, in particular in indigenous and Afro-Colombian communities;

(p) Welcoming the support of the Government with regard to dialogue by the United Nations concerning children affected by armed conflict, and encouraging them to continue to facilitate direct engagement with the parties/armed groups to assist them in making and implementing specific commitments to ending and preventing all violations and abuses committed against children;

(q) Inviting the Government to keep the Working Group informed of its efforts to implement the recommendations of the Working Group and the Secretary-General, as appropriate.

7. The Working Group agreed to recommend that the President of the Security Council transmit a letter by the Chair of the Working Group to the guarantor and accompanying countries of the peace processes with both FARC-EP and ELN:

(a) Welcoming their efforts in assisting the parties to armed conflict in reaching negotiated solutions to the conflict in Colombia, and encouraging them to ensure that child protection is given due consideration as early as possible in the peace process and is a core priority.

8. The Working Group agreed to recommend that the President of the Security Council transmit a letter by the Chair of the Working Group addressed to the Secretary-General:

(a) Requesting him to ensure the continued effectiveness of the monitoring and reporting mechanism on children and armed conflict in Colombia, including for the full and expeditious implementation of the agreement between the Government and FARC-EP for the separation and reintegration of children signed on 15 May 2016;

(b) Also requesting him to encourage the United Nations country task force on monitoring and reporting and other relevant United Nations entities to continue their engagement and efforts to support the Government in addressing violations and abuses committed against children affected by armed conflict, in particular with a view to engaging ELN to end and prevent the recruitment and use of children in violation of international law.

Direct action by the Working Group

9. The Working Group agreed to send letters from the Chair of the Working Group addressed to the World Bank and other donors:

(a) Stressing that the best way to protect children is through peace, and urging the World Bank and donors to continue to provide political and financial

support to Colombian peacebuilding initiatives and to the implementation of the peace agreements;

(b) Calling upon the World Bank and donors to provide support to national programmes and initiatives aimed at protecting children in the context of the armed conflict in Colombia, including prevention and reintegration activities and finding durable solutions for internally displaced children, with specific attention given to children affected by the conflict in remote areas and in Afro-Colombian and indigenous communities;

(c) Also calling upon the World Bank and donors to support the child protection efforts and initiatives of United Nations agencies and non-governmental organizations relating to the strengthening of national capacity-building and pertinent national institutions and their programmes, with specific attention given to children affected by the conflict in remote areas and in Afro-Colombian and indigenous communities;

(d) Inviting the World Bank and donors to keep the Working Group informed on their funding and assistance efforts, as appropriate.

Annex

[Original: Spanish]

Statement by the Permanent Representative of Colombia to the United Nations on the report of the Secretary-General on children and armed conflict in Colombia (S/2016/837), made at the sixty-first formal meeting of the Working Group on Children and Armed Conflict

Mr. Chair and members of the Working Group,

Madam Special Representative of the Secretary-General for Children and Armed Conflict,

Mr. Director of Emergency Programmes of the United Nations Children's Fund (UNICEF),

I would like to congratulate Sweden and Ambassador Olof Skoog on assuming the presidency of the Security Council and the chair of the Working Group. I thank you, Sir, for convening this meeting and for the opportunity to present the comments of my Government on the report of the Secretary-General on children and armed conflict in Colombia.

Colombia appreciates the interest of the Secretary-General and of his Special Representative in the situation of children and adolescents in the internal armed conflict in Colombia and is grateful for the hard work done by Leila Zerrougui to guarantee the rights of so many children who have been harmed by the conflict, for your recognition of the progress made and for the recommendations contained in the report, which we will take very seriously.

Mr. Chair,

In a complex context such as the Colombian one, after more than 50 years of internal armed conflict, which has left a significant number of victims, including severely impacted children and adolescents, the Colombian State is committed to moving forward and has been taking steps to protect the victims' rights.

You may recall that Colombia voluntarily agreed to participate in the monitoring and reporting mechanism established pursuant to Security Council resolution 1612 (2005), aware of the critical situation in which many children were living owing to the internal conflict.

Since the adoption of that resolution, more than a decade ago, Colombia has made substantial progress that is clearly recognized in the report and has resulted in laws, policies and programmes that are essential to our institutions today.

I would like to mention only four of those laws, policies and programmes: first, the policy on the prevention of the recruitment and use of children and adolescents, launched in 2007 through the establishment of the intersectoral commission for the prevention of the recruitment and use of and sexual violence against children and adolescents, whose institutional architecture and functions were updated in October 2016, almost a decade later, to strengthen its work in the new context of a post-conflict Colombia in line with the recommendations contained in the report.

Second, the specialized care programme for the restoration of the rights of child and adolescent victims of unlawful recruitment who are no longer involved in illegal organized groups, which has made it possible to provide care for

6,110 children and adolescents since 1999, the year in which it was established, and for 1,500 during the period covered by the present report.

Third, National Council on Economic and Social Policy document No. 3673, which you highlight in your report and through which 21 entities that are members of the intersectoral commission reported on 85 permanent and temporary plans, strategies, programmes, projects and strategic actions in at least 1,082 municipalities intended to prevent the recruitment and use of and sexual violence against children and adolescents.

Lastly, two substantive pieces of legislation: Law. No. 1098 (2006) — the Childhood and Adolescence Code — and, of course, the flagship Law No. 1448 (2011) on victims' rights. Both are innovative and pioneering laws on the protection of children.

Mr. Chair,

If there has been one significant development since September 2011, it is the humanitarian demining agreement, the first agreement implemented jointly by the army of Colombia and the Revolutionary Armed Forces of Colombia (FARC). Following initial pilot experiments in three villages, the agreement now covers the 50 most affected municipalities, where antipersonnel mines pose the greatest threat and where so many children have been maimed.

The figures are revealing: the number of children harmed by mines fell from 119 in 2012 to 3 in 2016. Our goal is for not one single child to be harmed.

This improvement was made possible thanks to the tenacity of the Government of President Santos, which, for four years, pursued a negotiated end to the internal conflict in Colombia. After many trials and tribulations, those efforts bore fruit with the signing on 24 November 2016 of the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace.

With the support of the Security Council and the Secretary-General, through the special political mission, it will be possible for all FARC members, including minors, to be in the 26 transitional local zones for normalization on 30 January 2017, with a ceasefire in place and the total cessation of hostilities, and the beginning of the disarmament of all combatants, which must conclude in 180 days.

It is clear that this situation, which we Colombians are experiencing for the first time after 52 years of internal conflict, will create a calmer and more secure climate, with fewer attacks, less internal displacement and an increased presence in terms of State institutions, including schools and hospitals, in particular in rural areas. In addition, post-conflict programmes that will inevitably result in a significant decrease in the number of situations with a potential for the forced recruitment, use and exploitation of and sexual violence against children and adolescents, the abduction, maiming and killing of children, and attacks on schools, which we are committed to leaving in our past, will be implemented.

We are also aware that there are other forms of violence in Colombia, and the Government has therefore embarked on a process of negotiation with the other armed group in the country, the National Liberation Army, which we hope will bear fruit.

The agreement signed with FARC took into account international standards on the protection of children and adolescents and prohibited, among other things, the granting of amnesties or pardons for the crime of recruitment of minors.

Mr. Chair,

With the support of Ms. Zerrougui, a commitment was obtained from FARC to begin the process of returning child soldiers, beginning with a group of 13 children who were received and cared for at a temporary reception centre under the permanent supervision of the competent authorities and with the support of UNICEF and the International Organization for Migration (IOM). After a process of psychosocial support, four were reunited with their families and seven were sent to care homes.

Thanks to the special political mission and the Government, the children who remain in the hands of FARC will hand over their weapons and will be surveyed and registered to ascertain their place of origin and family composition and to allow monitoring until their full reintegration.

Mr. Chair,

Notwithstanding the encouraging figures and undeniable progress made by my country, we know that there is still a long way to go. For that reason, in order to strengthen protective environments to reduce risk factors, Colombia will continue to work on strategies and actions to implement these policies in such a way as to strengthen families, the educational community and civil society for the benefit of children, from the upholding of their rights to their recognition as subjects of rights.

My country hopes to continue to count on the support of the Office of the Special Representative and such United Nations agencies as UNICEF and IOM, and we reiterate our commitment to complying with the obligation of the State to protect fully the best interests and the rights of children and adolescents.

With the unflinching determination of my Government and with your support, we hope that we can finally conclude our participation in this mechanism of the Security Council.

Thank you.